

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

JOHNNY EARL LITTLE, JR., and)	
KEYLA LITTLE,)	
)	
Plaintiffs,)	CIVIL ACTION FILE
)	NO. _____
)	
v.)	
)	
LB TRANSPORT, INC.; MANLY)	
TERMINAL, LLC; DONALD H.)	
GRUIS; JOHN DOES 1-5; and)	
RICHARD ROE CORPORATIONS 1-)	
5,)	
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW defendants L.B. Transport, Inc. and Donald H. Gruis (collectively, "these defendants") and, pursuant to 28 U.S.C. §§ 1441 and 1446, file this notice of removal within the time prescribed by law, showing the Court as follows:

1.

On February 11, 2022, plaintiff filed a complaint in the Superior Court of Richmond County, Georgia, Civil Action No., 2022RCCV00070, which county is within the Augusta Division of the Southern District of Georgia.

2.

A true and correct copy of all process, pleadings, and orders filed in connection with this action is attached hereto as Exhibit A. These defendants have no knowledge of any other process, pleadings, or orders served in connection with this action, other than those attached hereto.

3.

This Court has original jurisdiction over the above-referenced case under 28 U.S.C. § 1332.

4.

Plaintiff is a citizen of Georgia.

5.

Defendant L.B. Transport, Inc. is incorporated and has its principal place of business in Iowa.

6.

Defendant Gruis is a citizen of Iowa.

7.

Defendant Manly Terminal, LLC is a Delaware limited liability company with its principal place of business in Ohio; it has four members: Terry Kiewiet, a citizen of Iowa; Lee Kiewiet, a citizen of Florida; Michael Ball, a citizen of Ohio; and

Zephyr-Rocket, LLC, an Iowa limited liability company with its principal place of business in Iowa and one member, Sabin Holdings, LLC. Sabin Holdings, LLC is a Delaware limited liability company with its principal place of business in California and six members: Daniel Sabin, Mark Sabin, Joshua Sabin, Jonah Sabin, Brad Sabin, and T. Scott Bannister, all of whom are citizens of Iowa. There are no other members or sub-members of Manly Terminal, LLC. No member or sub-member of Manly Terminal, LLC is a citizen of the State of Georgia.

8.

Pursuant to 28 U.S.C. § 1441(b)(1), "the citizenship of defendants sued under fictitious names shall be disregarded."

9.

Accordingly, there is complete diversity among the parties. *See* 28 U.S.C. § 1441(a).

10.

All of the non-fictitious defendants consent to removal.

11.

Plaintiffs are seeking recovery in an amount in excess of \$75,000, exclusive of interest and costs. Specifically, plaintiffs seek special damages for past medical expenses in the amount of \$106,951.01, plus future medical expenses, general

damages, and punitive damages. (*Compl.* at ¶¶ 45-51; Prayer for Relief at ¶¶ (a)-(f).)

12.

The undersigned has read this Notice of Removal and, to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact; is warranted by existing law; and is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, this Notice of Removal having been filed, said action shall proceed in the United States District Court for the Southern District of Georgia, Augusta Division, and no further proceedings shall be held in said case in the Superior Court of Richmond County.

STONE KALFUS LLP

/s/ Catherine M. Banich

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing *Notice of Removal* to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants and mailed by United States Postal Service, first-class, postage prepaid, a paper copy of the same document to counsel of record who are non-CM/ECF participants. Counsel of record is:

A. Keith McAlister, Jr., Esq.
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This 11th day of March, 2022.

/s/ Catherine M. Banich

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